

Testimony

Senate Bill 2259

Senate Human Services Committee

Tuesday, February 8, 2005; 9:30 a.m.

North Dakota Department of Health

Good morning, Chairman Lee and members of the Senate Human Services Committee. My name is Larry Shireley, and I am director of the Division of Disease Control for the North Dakota Department of Health. I am here today to provide information on Senate Bill 2259.

Senate Bill 2259 amends N.D.C.C. 23-07.5 to remove the statutory requirement for an informed consent form, but does not remove the requirement for informed consent. The Department of Health does not object to the provisions of Senate Bill 2259.

As you are aware, Senate Bill 2252 also proposes amendments to N.D.C.C. 23-07.5. The department has worked with interested individuals to incorporate the proposed amendments in both Senate Bill 2259 and 2252 into a complete revision of N.D.C.C. 23-07.5.

Included in the department's proposed revisions is the following definition of informed consent to reinforce the intent of Senate Bill 2259: "The individual to be tested for bloodborne pathogens has been informed of the nature of the testing; the reason for the testing; and the relevant risks, benefits and potential alternatives for testing; and the individual has granted permission to be tested. Any such test must be conducted according to recommendations of the United States public health service." In addition, the department's proposed revisions address Senate Bill 2252 by developing a definition of health-care provider that includes Crime Lab personnel. The proposed revisions are attached for the committee's review.

The Department of Health does not object to either Senate Bill 2259 or 2252 but recommends the committee consider a complete revision of N.D.C.C. 23-07.5 incorporating the intent of both bills as presented in the attachment.

This concludes my testimony. I am happy to answer any questions you may have.